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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,227	12/07/2006	Joan F. Power	2527-3A	6046
23863 7590 02/04/2009 LESPERANCE & MARTINEAU 1440 WEST STE-CATHERINE ROOM 700 MONTREAL, QC H3G1R8 CANADA			EXAMINER NGUYEN, SANG H	
			ART UNIT 2886	PAPER NUMBER
			MAIL DATE 02/04/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,227	<b>Applicant(s)</b> POWER, JOAN F.	
	<b>Examiner</b> Sang Nguyen	<b>Art Unit</b> 2886	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-12 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/07/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 12/07/06 has been entered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

Claims 1-12 and 20-22 are objected to because of the following informalities:

The claims 1-12 and 20-22 are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

**Applicant should amend or correct the following informalities of the claims 1-4, 8-9, 12, and 20-22, such as amend/correct claim 1:**

Claim 1 in lines 4, 6, 11, and 13; the “**x**” should change to –**x**-- ;

Claim 1 in line 9; the “**y**” should change to –**y**-- ;

Claim 1 in lines 9, 13, and 21; the “**z**” should change to –**z**-- ;

Claim 1 in line 15; delete “**(OIS)**” in line 15; and the “**OIS**” in lines 17, 20, and 23 should be change to – **optical imaging system** --

Claim 1 lines 12-13; delete “ (IT) ” in line 12; and the “ IT ” in lines 13 and 17 should change to – **image transfer** --.

Appropriate correction is required.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

As to independent claims 1 and 20 are allowable over the prior art for at least the reason that the prior art of record, taken alone or in combination, fails discloses or render obvious a surface-inspecting apparatus and method comprising all the specific elements with the specific combination including of an anamorphic optical means providing, from the source beam emitted by said source of radiation, a source beam elliptically collimated over an x axial collimation region having a distance comprised in a range between micrometers and meters, and having a major elliptic axis oriented along a first transverse axis y, and a minor elliptic oriented along a second transverse axis z; and; and said optical imaging system defining an object plane conjugate to the image plane and aligned to contain the major elliptic axis of the collimated source beam intersecting said test material in the illuminated volume, an object depth of focus of said optical imaging system being maintained at a value of approximately at least 1/5 of a radius of the elliptically collimated source beam along the z axis in the axial collimation region of the elliptically collimated source beam in combination with the rest of the limitation of claims 1 and 20, wherein dependent claims 2-12 are allowable by virtue of

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dependency on the allowed claim 1 and dependent claims 21-22 are allowable by virtue of dependency on the allowed claim 20.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fleming et al (2004/0012872); Dirksen et al (6331368); Campion et al (6151119); Power (5995223); Power (5365065); or Power (5272342).

This application is in condition for allowance except for the following formal matters:

**Claims 1-12 and 20-22 would be allowable if rewritten or amended to overcome the objection claim(s), set forth in this Office action.**

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935).

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Nguyen whose telephone number is (571) 272-2425. The examiner can normally be reached on 9:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarifur Chowdhury can be reached on (571) 272-2800 ext. 86. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 29, 2009

/Sang Nguyen/  
Primary Examiner, Art Unit 2886